

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

DEWEY MULLINS,

Plaintiff,

v.

CIVIL ACTION NO. 1:09-1248

DAVID BALLARD, Warden,  
Mount Olive Correctional Complex,

Defendant.

**JUDGMENT ORDER**

Consistent with the Memorandum Opinion and Order entered this day, the court hereby **DENIES** plaintiff's application to proceed without prepayment of fees or costs and motion to hold habeas corpus petition in abeyance, **DISMISSES** plaintiff's petition under 28 U.S.C. § 2254 with prejudice, and **DIRECTS** the Clerk to remove this matter from the court's docket.

The Clerk is further directed to forward a certified copy of this Judgment Order to plaintiff, pro se, and counsel of record.

**IT IS SO ORDERED** this 2nd day of September, 2010.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge